C-482 No. 856 of 2001
(Old No. 2688/1996)

Hon'ble Irshad Hussain, J.

None appear for the petitioner.

Heard Sri Nandan Arya learned A.G.A. and perused the record. From perusal of the record it is evident that the dispute pertain to a shop which is in the tenancy of the petitioner Jai Bhagwan who had also filed a civil suit in which interim injunction was granted on 1.7.1996 (Annexure-14). The possession of the petitioner over the shop can not be disputed and parallel proceedings in respect of the same under section 145 of the Code of Criminal Procedure can not legally be initiated. Considering this the petition is disposed of with the direction that the learned Pargana Magistrate shall pass a proper and appropriate order in case no. 11/7 of 1996 under section 145 of the Code of Criminal Procedure.

(Irshad Hussain, J.)

Dated: 1-4-2004

ISB